

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SWISSDIGITAL USA CO., LTD.,

*Plaintiff,*

v.

SAMSONITE INTERNATIONAL S.A.,

*Defendant.*

**Civil Action No. 6:23-cv-00196-ADA**

**JURY TRIAL DEMANDED**

**DECLARATION OF JOHN B. LIVINGSTON IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

I, John B. Livingston, hereby declare and state as follows:

1. I am Samsonite's Executive Vice President, General Counsel and Joint Company Secretary and am employed by Samsonite LLC. I work at Samsonite LLC's offices located in Mansfield, Massachusetts. I have been employed by Samsonite LLC (or its predecessor company until September 2009, Samsonite Corporation) since July 17, 2006. If called as a witness, I could and would testify competently to the information contained herein. Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge, my review of corporate records maintained by a Samsonite Group entity in the ordinary course of business, and/or my discussions with Samsonite Group employees.

2. Samsonite LLC and Tumi Inc., a New Jersey corporation with its principal place of business in New Jersey, are the main operating entities for the Samsonite Group in the United States.

3. Samsonite LLC and its affiliates Samsonite Company Stores, LLC and Direct Marketing Ventures, LLC all have principal places of business at 575 West Street, Suite 110, Mansfield, MA 02048.

4. Samsonite Company Stores, LLC is an Indiana limited liability company with its principal place of business in Massachusetts.

5. Direct Marketing Ventures, LLC is a Colorado limited liability company with its principal place of business in Massachusetts.

6. Most of Samsonite LLC's employees are based in Mansfield, MA. None of Samsonite LLC's employees are based in Texas.

7. Samsonite LLC designed the Quadrion line of products.

8. The Quadrion line of products are manufactured by a supplier in Asia and outside of the United States of America. The USB components used in the Quadrion line of products are

sourced by the manufacturing supplier from another supplier also located in Asia.

9. The Quadrion products manufactured outside of the United States of America and in Asia, and in general most Samsonite products for sale in the United States, were imported into the United States by Samsonite LLC.

10. Because Samsonite LLC designed the Quadrion products and is responsible for selling them in the United States in conjunction with its affiliates Direct Marketing Ventures, LLC and Samsonite Company Stores, LLC, most, if not all, documents regarding the design, development, marketing, and sales of the Quadrion products are located in Massachusetts. Similarly, individuals responsible for design, development, quality, assurance, manufacturing, marketing, and sales of the Quadrion products mostly reside in Massachusetts.

11. Most, if not all, documentation regarding the manufacture of the Quadrion products is either located in Massachusetts with Samsonite LLC or with suppliers in Asia, in particular in Singapore or China.

12. The Samsonite LLC Massachusetts address is one of two joint headquarters locations for Samsonite International S.A. Samsonite International S.A.'s other headquarters is located in Luxembourg. Samsonite International S.A. has an additional office located in Hong Kong. Samsonite International S.A. does not have any officers other than those in Massachusetts, Luxembourg and Hong Kong.

13. The worldwide Samsonite Group is headed by Samsonite International S.A. The Board of Directors of Samsonite International S.A. makes strategic decisions that affect the Samsonite Group as a whole, but it does not have any involvement in the operations of any Samsonite subsidiary entity at a product level. Samsonite International S.A. is not involved in the design, manufacture, sourcing, distribution, offer for sale, market, or provide instructions and support of any products in the United States or elsewhere, nor does it direct or control those

activities other than through the general oversight of the Board of Directors of Samsonite International S.A. Samsonite International S.A. also does not market, provide instructions or support for, or participate in quality control of any products.

14. Samsonite International S.A. is a holding company and conducts no business in Texas. Samsonite International S.A. does not direct and control Samsonite-owned retail stores, nor does it lease retail stores, distribution centers, office facilities, and equipment in Texas or elsewhere in the United States. As a holding company, Samsonite International S.A. has no direct business operations other than the direct or indirect ownership of its subsidiaries.

15. Samsonite International S.A. does not have any employees who reside in the United States.. Samsonite International S.A.'s corporate functions are performed by personnel from Samsonite International S.A.'s affiliate companies, including from Samsonite LLC and other third parties under contract with Samsonite International S.A.

16. Samsonite International S.A. does not operate the shop.samsonite.com website, which is instead operated by another entity located in Massachusetts, Direct Marketing Ventures, LLC. This fact is self-evident from the terms and conditions and privacy policy for the shop.samsonite.com website, found at <https://shop.samsonite.com/terms-of-use.html> and <https://shop.samsonite.com/privacy-policy.html>, respectively.

17. The corporate.samsonite.com website found at <https://corporate.samsonite.com/en/home.html> is solely a corporate website addressing investor relations. The corporate.samsonite.com website does not contain any details about products, and has no relation to sales of any Samsonite-branded products (including the Quadriion line of products) in the United States or elsewhere.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed in Mansfield, MA, on this 20th day of June, 2023.

/s/   
\_\_\_\_\_  
John B. Livingston